| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/088,018 | 03/13/2002 | Christophe Nicolas | 16673-8 | 4937 |

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| 7590 10/18/2006 | EXAMINER |
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DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>01 August 2006</u>.

2a)☐ This action is **FINAL**.          2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.    The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### Continued Examination Under 37 CFR 1.114

2.    A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/01/06 has been entered.

### Claim Objections

3.    Claim 10 is objected to because of the following informalities:   recitation of "messages member" appears to be a typographical error.  Examiner suggests replacing the phrase with "message members".  Appropriate correction is required.

### Claim Rejections - 35 USC § 112

4.    Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites the limitation "each management message member". There is insufficient antecedent basis for this limitation in the claim.

6. Claim 1 recites the limitation "this current message". There is insufficient antecedent basis for this limitation in the claim.

## *Claim Rejections - 35 USC § 102*

7. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Deiss (U.S. Pat. No. 5,802,063).

8. Regarding claims 1 and 10, Deiss disclosed a method and system of transmitting a chain of database management messages between a management centre and a plurality of distributed subscriber databases, wherein each management message member of this chain comprises a chain header, a chain identifier, and a chain index (see column 2, line 55 through column 3, line 6), the method comprising the steps of providing with each management message a conditional block effective for determining whether this current message is to be processed without references to all or part of other message members of the chain (see column 5, lines 11-43), and in the negative event, effective for defining conditions linked to a previous processing of all or part of other message members of the chain (see column 5, lines 11-43); and transmitting the chain of database management message between a management centre and a plurality of distributed subscriber databases (see column 1, lines 57-61).

9. Regarding claims 2 and 11, Deiss disclosed the method and system further comprising the step of determining, according to the conditional block if at least one

message of the chain can, or must, or must not have been processed first (see column 5, lines 32-43).

10.    Regarding claim 3, Deiss disclosed the method and system further comprising the steps of managing a table in the subscriber database containing an information representing a processing state of each member of the chain (see column 8, lines 11-20), updating said table every time that a member of the chain is processed (see column 8, lines 11-20), and resetting said table either on request of the managing centre or after a predefined time (see column 8, lines 11-20).

11.    Regarding claim 4, Deiss disclosed the method and system wherein the subscriber database is connected to a subscriber unit and wherein it comprises the step of memorizing the management messages in a memory of the subscriber unit and of presenting them on request to the subscriber database (see column 3, line 66 through column 4, line 67).

12.    Regarding claims 5 and 13, Deiss disclosed the method and system further comprising the steps of memorizing incoming messages in series, each incoming message causing an increment of a stack pointer of incoming messages, and of allowing a direct access to the messages requested by the subscriber database (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

13.    Regarding claim 6, Deiss disclosed the method and system wherein the memory of the subscriber unit is configured as a serial buffer memory having a fixed length (see column 4, lines 12-25; column 8, lines 11-20).

14.     Regarding claim 7, Deiss disclosed the method and system further comprising

the steps of receiving in the subscriber database, a message member of a chain, and of

allocating in the subscriber unit, the memory necessary for receiving all the members of

this chain (see column 4, lines 11-25; column 8, lines 11-20; column 9, lines 56-63).

15.     Regarding claim 8, Deiss disclosed the method and system further comprising

the steps of requesting the subscriber module to compose a management message

describing its software and hardware resources and of sending said message either to

the subscriber database or to the management centre (see column 4, lines 42-67).

16.     Regarding claim 9, Deiss disclosed the method and system wherein the request

is transmitted, either by the management centre under the form of a management

message, or by the subscriber database under the form of an instruction on an I/O line

(see column 4, lines 42-67).

17.     Regarding claim 12, Deiss disclosed the method and system wherein the security

module includes a message manager able to store in a memory an information

representing a processing state of each message of the chain, and wherein it includes

means for comparing this state with the conditions expressed in the conditional block of

the message currently processed (see column 4, lines 11-25; column 8, lines 11-20;

column 9, lines 56-63).

18.     Regarding claim 14, Deiss disclosed the method and system wherein the

subscriber unit includes a connection line towards the security module and wherein it

includes means to determine the size of the memory according to instructions received

from the security module, and means for replying to the security module by composing

and sending a management message to this security module (see column 3, line 66

through column 4, line 67)

19.   Regarding claim 15, Deiss disclosed the method and system wherein the

subscriber unit includes a selection module to connect a management message

separator (see column 4, lines 33-41), a processing center of the subscriber module

(see column 4, lines 33-41), the security module and the memory (see column 4, lines

12-32), and means to recognize the management message destined only to the

processing center and to forward these messages to the processing center (see column

4, lines 12-41).


### *Response to Arguments*

20.   Applicant's arguments filed 08/01/06 have been fully considered but they are not

persuasive.

21.   Examiner acknowledges Applicant's amendment to the Specification and

Abstract.  The objections have been withdrawn.  Regarding rejections under 35 U.S.C.

112, first paragraph, Examiner acknowledges Applicant's amendments in overcoming

the rejections.  The rejections have been withdrawn.  Examiner also acknowledges

Applicant's amendments to the claims in overcoming rejections under 35 U.S.C. 112,

second paragraph.  While the previous rejections have been withdrawn, Examiner

submits that claim 1 contains new antecedent basis problems as detailed above in the

rejections under 35 U.S.C. 112, second paragraph.

22.    Regarding claims 1-15 rejected under 35 U.S.C. 102(b) as being anticipated by

Deiss (U.S. Pat. No. 5,802,063), Applicant traverses the rejection.  Applicant asserts

that Deiss does not contain "a conditional block effective for determining whether the

current message is to be processed without reference to all or part of the other

messages member of the chain, and in the negative event, effective for defining

conditions linking the processing of the current message member to the processing of

all or part of other message member of the chain".  Examiner submits that Deiss does

teach such a conditional block.  As acknowledged by Applicant, Deiss discloses a

continuity count and a conditional access code (see column 5, lines 11-43).  This reads

on the broad concept of a packet containing a conditional block as claimed.  Although

Applicant argues that Deiss does not disclose "adding a condition to the message",

such a feature is not present in the claims.  Additionally, Examiner submits that the

conditional blocks of Deiss are functionally equivalent to the argued features in the

claimed invention.  The requirement for a conditional block in "allowing the system to

decide whether the message can be used immediately without condition, or whether the

message needs fulfilling conditions in relation with the reception of other members of

the chain" is clearly taught by Deiss where it was disclosed that detected headers in a

stream of packets tell a decoder to process the incoming packets, or whether the flow of

packets should be inhibited until the reception of another packet with the proper header

(see column 5, lines 31-43).  Although Applicant states the distinction between the prior

art and the claimed invention involves the rejection of messages, such a feature is not

required by the claim language presented.  The claim language does not make a

requirement on the rejection of packets, only that a packet's conditional block links the packet to a processing of previous packets. As stated above, Deiss discloses such a conditional block, relating the processing of a video packet to the success or failure of processing previous video packets (see column 5, lines 31-43). Applicant further argues that the conditional block of Deiss "gives no indication about the order of a message in a message chain", and that "the conditional block is the same for all the subscriber units receiving these messages". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a conditional block indicating the order of a message and the same conditional block for all subscriber units) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

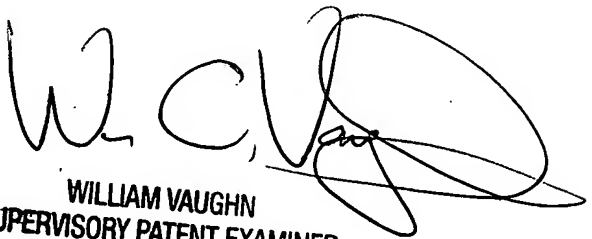Kikuchi et al. (U.S. Pat. No. 6,757,303)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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JM

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